

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN A. STANFIELD,

Petitioner,

v.

BOB FERGUSON,

Respondent.

CASE NO. C20-5663-JCC

ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, U.S. Magistrate Judge, to deny Mr. Stanfield’s 28 U.S.C. § 2254 petition for a writ of habeas corpus (Dkt. No. 13) and Mr. Stanfield’s objections thereto (Dkt. No. 14). Having thoroughly considered the petition, the R&R, Mr. Stanfield’s objections, and the balance of the record, the Court hereby **OVERRULES** Petitioner’s objections, **ADOPTS** the Report and Recommendation, **DENIES** the petition, and **DISMISSES** this case with prejudice for the reasons explained herein.

The R&R recommends denying the petition because, while Mr. Stanfield may have owed a fine, he was not *in custody* at the time he filed his petition. (Dkt. No. 13 at 3–4.) Therefore, the Court lacks jurisdiction in this matter. *Wilson v. Belleque*, 554 F.3d 816, 821 (9th Cir. 2009). Mr. Stanfield objects, restating his contention that a continuing duty to satisfy a court-imposed fine is sufficient to establish this Court’s jurisdiction to hear his petition. (Dkt. No. 14 at 1–2.) But Mr.

1 Stanfield provides no legal basis to support this contention in his objection, instead citing
2 inapposite cases. (*Id.*) An argument without legal support does not “demonstrate that reasonable
3 jurists would find the [R&R’s] assessment of [Mr. Stanfield’s] claims debatable or wrong.”
4 *Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003) (quotation marks omitted). Accordingly, the
5 Court OVERRULES Mr. Stanfield’s objections (Dkt. No. 14), ADOPTS the R&R (Dkt. No. 13),
6 DENIES Petitioner’s 28 U.S.C. § 2254 habeas petition, DISMISSES this case with prejudice,
7 and DENIES issuance of a certificate of appealability.

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9 DATED this 25th day of January 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE